



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

July 25, 2016

Mr. Charles Kilpatrick, P. E.  
Commissioner  
Virginia Department of Transportation  
1401 East Broad Street  
Richmond, Virginia 23219

Ms. Irene Rico  
Division Administrator  
Federal Highway Administration  
400 North 8<sup>th</sup> Street, Suite 750  
Richmond, Virginia 23219-4825

Colonel Jason E. Kelly, P.M.P  
Commander  
U. S. Army Corps of Engineers, Norfolk District  
803 Front Street  
Norfolk, VA 23510

Re: Route 460 Project Southeast Virginia Final Supplemental Environmental Impact Statement: Prince George, Sussex, Surry, Southampton, and Isle of Wight Counties and the City of Suffolk (CEQ No. 20160141)

Dear Mr. Kilpatrick, Ms. Rico, and Col. Kelly:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality regulations implementing NEPA (40 CFR 1500-1508), the United States Environmental Protection Agency (EPA) has reviewed the Route 460 Project Southeast Virginia Final Supplemental Environmental Impact Statement (SEIS) and the response to the November 17, 2014 comment letter from EPA on the Draft SEIS. The Virginia Department of Transportation (VDOT), in cooperation with the Federal Highway Administration (FHWA) and the United States Army Corps of Engineers (Corps) as joint lead federal agencies, is evaluating options for highway transportation improvements along the existing 55 mile Route 460 corridor.

In our 2014 comment letter, EPA rated the Draft SEIS as an EU (Environmentally Unsatisfactory), indicating that the project as proposed was environmentally unacceptable and if

the Final SEIS advanced an alternative that was identified with an EU rating, the project was a candidate for referral to the Council on Environmental Quality for resolution. The Draft SEIS analyzed five build alternatives, in addition to a No Build Alternative. Alternative 1, 2N/2S, 3, and 5N/5S were rated as Environmentally Unsatisfactory, Insufficient Information (EU-2), ranging from 413 acres of wetland in Alternative 2N (or 372 with bridging) to 664 acres in Alternative 1 (or 613 acres with bridging) and up to 79,120 linear feet of stream channel. The wetland resources that occur within the study area include high value and unique systems which are considered difficult to mitigate. EPA rated Alternative 4, with up to 93 acres of wetland impact, as Environmental Concerns, Insufficient Information (EC-2). The No Build Alternative was rated EC-2 as the alternative included proposed improvements that had not been thoroughly analyzed. Information gaps included the limited evaluation of the environmental quality of the natural resources impacted.

We commend the efforts made by the project team to develop and evaluate a hybrid alternative that meets project needs and avoids and minimizes project impacts. The Preferred Alternative consists of a combination of alternatives evaluated in the Draft SEIS, including the No Build Alternative and Build Alternatives 4, 2N, 3, and 1 (from west to east). This FHWA/VDOT Preferred Alternative consists of implementing the No Build Alternative between I-295 and one mile west of Zuni, upgrading the existing Route 460 west of Zuni to two miles west of Windsor, and constructing a new four-lane divided highway from west of Windsor to a new Route 460/Route 58 interchange in Suffolk. FHWA/VDOT's Preferred Alternative is comprised of 36 miles of the No Build Alternative between the western terminus and western Zuni, and 16 miles of improvements within the eastern portions of the project area.

Impacts associated with the FHWA/VDOT Preferred Alternative include 21 residential, 6 business, and 1 farm displacement. Other impacts include Environmental Justice concerns, 292 noise receptors, 265 acres of prime farm land, and 162.7 acres of forest. The Preferred Alternative would permanently impact 39.77 acres of vegetated wetlands and 6,874 linear feet of streams. Impacts to wetlands and streams were reduced significantly through development of the hybrid alternative, avoidance measures, bridging, and other minimization design strategies. Compensation for aquatic resource impacts is being developed in coordination with regulatory agencies and will include mitigation bank credits, stream credits, and restoration and preservation of wetlands.

The current Final SEIS goes far toward reducing the severity of the impacts proposed by alternatives studied in the Draft SEIS. As a result of our review of the Final SEIS, EPA has remaining concerns related to impacts to social and natural environmental resources: in particular, community impacts associated with the project and the availability of the property for the aquatic resource's compensatory mitigation plan when it is implemented for the project. Please see the attached technical enclosure for more detailed comments. We suggest the project team maintain close coordination with affected residents in the study area and continue to avoid and minimize construction and operational impacts associated with the build alternative including noise, vibration and fugitive dust. Efforts should be made to further avoid and minimize impacts to aquatic and forest resources as the project design moves forward. We suggest the Record of Decision (ROD) include these agreements and commitments related to community communication plans, maintaining and monitoring water quality, minimization and mitigation of aquatic resources.

We request the opportunity to review the ROD and look forward to working with you as the project moves forward. EPA appreciates the collaborative approach used by the lead agencies to reach the Preferred Alternative; the project is no longer being considered for dispute resolution nor elevation process. If you have questions regarding these comments, the staff contact for this project is Ms. Barbara Okorn; she can be reached at 215-814-3330.

Sincerely,



Jeffrey D. Lapp  
Associate Director  
Office of Environmental Programs

Enclosure





**Enclosure**  
**Detailed Technical Comments for Final Supplemental Environmental Impact Statement,  
Route 460 Project Southeast Virginia**

**Community and Environmental Justice**

We suggest that the project team continue assessment and coordination on displacements and relocations, to develop a clear, comprehensive and accurate picture of impact on, in particular, minority and low income populations. This would include determining how and where displacements may impact minority and low income populations and further communication and open dialogue with residents who may be impacted. There is also need to assess these impacts in conjunction with those associated with other project-related impacts such as truck traffic, fugitive dusts, noise, vibration, etc.

When communicating with the public, it may be helpful to provide mapping to show location of project activities, and to present where, when and the type of impacts that will be localized in a given area. The more detail given with respect to project activities, project impacts (either potentially beneficial or negatively affecting a community), the better the residents may effectively participate in the process.

**Aquatic Resources**

We appreciate the effort that VDOT has made to identify high quality resources, to avoid and minimize impacts, and to develop an appropriate compensatory mitigation plan for waters of the U.S. We generally concur with the proposed mitigation plan; however, we are concerned that the proposed preservation area and wetland restoration sites have not been secured or protected. Since the construction timeframe is currently unknown, conditions on or adjacent to the sites may significantly change, or other issues may arise that make the proposed plans to compensate for Category II wetlands impractical or unattainable. This is a significant concern for the proposed Antioch Tract preservation area. If any impacts occur to the resources on the Antioch Tract, such as timbering, this may adversely affect the value of the site for mitigation. We recommend that the Antioch Tract be protected as soon as possible, but no later than six months after the issuance of the Clean Water Act Section 404 permit. We recommend that easements and/or rights for sites identified for wetland mitigation be obtained at the time of permit issuance. In addition, if project construction has not started by 2026, the adequacy of the mitigation for the proposed project impacts should be re-evaluated.

**Greenhouse Gas (GHG)/Climate Change**

We suggest that the project team continue to evaluate design considerations that address resilience to foreseeable climate change as the project moves forward. EPA further recommends that the Record of Decision include commitments to implementation of reasonable mitigation measures that would reduce project-related GHG emissions and to design that incorporates adaptation to potential climate change.

